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**5.72.110 Permit required and prohibited uses.**

- A. No person shall carry on, maintain or conduct any entertainment activity in the City without first obtaining a permit therefor from the City.
- B. Entertainment provided at a private residence for the monetary gain of any person is prohibited. However, this prohibition is in no way intended to infringe on the rights of private persons to engage in the activities regulated by this Chapter at their residence for private, as opposed to commercial, purposes.

(Ord. C-7423 § 26, 1996)

**5.72.115 Definitions.**

- A. "Entertainment activity" means any activity conducted for the primary purpose of diverting or entertaining a clientele in a premises open to the general public. Such activity shall include, but shall not be limited to, dancing, whether by performers or patrons of the establishment, live musical performances, instrumental or vocal, when carried on by more than two (2) persons or whenever amplified; musical entertainment provided by a disc jockey or karaoke, or any similar entertainment activity involving amplified, reproduced music.

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- B. "Adult entertainment activity" means the presence of any performer, dancer, employee, agent, model or other person in any place of entertainment who engages in any specified sexual activity (as that term is defined in Section 21.15.110 of this Code), who exposes any specified anatomical part (as that term is defined in Section 21.15.110 of this Code), or who performs in attire commonly referred to as pasties or a g-string, or any other opaque covering which does not expose the areola or nipples of the female breast, and/or covering the natal cleft and covers one inch (1") or less on either side of the entire length of the natal cleft and two inches (2") or less across the pubis from the end of the natal cleft to the top of the pubic bone.

(Ord. C-7713 § 1, 2000: Ord. C-7423 § 26, 1996)

**5.72.120 Permit application filing and process.**

- A. All applications for entertainment permits, other than adult entertainment activity as that term is defined in Subsection 5.72.115.B shall be filed with the Director of Financial Management on such forms as he or she may prescribe, and shall contain the following:
1. The name and permanent address of the applicant and all other persons having a financial interest in the operation of the entertainment, business or premises where the entertainment is to be located;
  2. A description of the proposed entertainment, including the maximum number of persons who are expected to be present within the entertainment establishment at any one time;
  3. The proposed opening date and hours of operation of the entertainment establishment;
  4. For special or limited duration events, the date or dates, hours and location of the proposed entertainment;
  5. The proposed security arrangements for the control of patrons;
  6. The name or names of the person or persons having management or supervision authority over the proposed entertainment, or any business or premises wherein the entertainment is proposed to be located;
  7. Whether or not the applicant or any other responsible person(s) have been convicted of a misdemeanor involving moral turpitude or a felony offense within the past five (5) years, the nature of such offense(s), and the sentence(s) received therefor;
  8. Written consent for the proposed entertainment on the premises from the owner of the property on which the entertainment is to be conducted;
  9. Such other information as the Director of Financial Management shall deem necessary for the proper processing and review of the application.
- B. The person whose signature appears on the application shall attest that he or she are a duly authorized representative of the applicant and that the information contained in the application is true and correct.
- C. The application shall be filed under penalty of perjury. False statements therein will constitute grounds for denial, suspension or revocation as applicable.
- D. An incomplete application shall not be accepted for processing.
- E. A nonrefundable investigation and notification fee, as set by City Council resolution, shall be paid to the City at the time the application is filed.
- F. Change in contents. Any change in any information in the application which occurs after the application has been filed, and prior to City Council approval, must be submitted in writing to the Director of Financial Management within ten (10) calendar days after the change has occurred.

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G. Investigation. On receipt of a complete application, the Director of Financial Management shall refer it to all concerned City departments for investigation. Such departments shall file their reports and recommendations regarding the approval or denial of the permit with the Director of Financial Management within sixty (60) days after the application is filed, except where circumstances beyond the control of the City justifiably delay such response.

H. Hearing notices.

1. The Director of Financial Management shall transmit the application, together with the reports and recommendations of the City departments, to the City Council for hearing and shall notify the applicant of the date, time and place of the hearing which shall be held before the City Council on the first available hearing date.
2. Prior to scheduling the hearing, the Director of Financial Management shall give the applicant notice of the recommendations of the City departments.
3. Notice of the time and place of the hearing shall also be given:
  - a. By mail to each owner of property within three hundred feet (300') of the site of the proposed activity;
  - b. By mail to occupants of property within three hundred feet (300') of the site of the proposed activity;
  - c. By posting the property in a conspicuous location at the site of the proposed activity.

The applicant shall pay all costs of such notice in the manner prescribed by the City's Director of Financial Management.

4. At the hearing, the City Council shall approve the issuance of the entertainment permit if they find:
  - a. That issuance of the permit and conduct of the entertainment at the proposed location, as conditioned, is consistent with federal, state and local laws, rules, regulations and any existing special permit(s);
  - b. That issuance of the permit at the proposed location, as conditioned, will not constitute an undue burden on the neighborhood because of its proximity to residences, inadequate parking or other neighborhood circumstances and will not interfere with the reasonable use and enjoyment of the neighborhood by its residents;
  - c. Whether or not the applicant or any other responsible person(s) have been convicted of a misdemeanor involving moral turpitude or a felony offense within the past five (5) years, the nature of such offense(s), and the sentence(s) received therefor;
  - d. Neither the applicant or any responsible person or principal of the applicant has a history of committing, permitting or failing to prevent significant violations of the City code, or any license or permit, in connection with an entertainment establishment for which he or she is or was a responsible person;
  - e. It does not appear, based upon the information before the City Council, that the applicant has provided false or misleading material information in the application.
- I. Where the Director of Financial Management does not recommend approval of a permit, the Director of Financial Management shall inform the applicant of the reason(s) for the denial in writing prior to the date the permit is scheduled for City Council consideration.
- J. In issuing the permit, the City Council may impose conditions relating to the operation of the entertainment establishment. Conditions may relate to:

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1. The days, hours and location of operation;
  2. Restrictions designed to prevent minors from obtaining alcohol, such as separate entrances, exits, and restroom facilities on the premises;
  3. The number and age of persons allowed on premises;
  4. Whether licensed security guards are required, and if so, how many;
  5. Specific measures the permittee must undertake to control the conduct of patrons so as to prevent or minimize disorderly conduct within the establishment;
  6. Specific measures the permittee must undertake to remove trash attributable to the establishment or its patrons in and around the establishment, the surrounding neighborhood and the public right of way;
  7. Specific measures the permittee must undertake to prevent the entertainment and its patrons from disturbing the peace and quiet of the surrounding neighborhood;
  8. Specific measures the permittee must undertake to provide video camera surveillance of public areas, including but not limited to the front and rear of the business with full view of the public rights-of-way and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persons and areas within the exterior of the premises. Recordings shall be accessible via the Internet by the Long Beach Police Department;
  9. Specific measures the permittee must undertake to prevent its patrons from engaging in disorderly conduct in the surrounding neighborhood;
  10. Whether the Director of Financial Management must receive advance notice of the date of a particular event if that event is not held as part of the regularly scheduled events of the business; or
  11. Other matters related to public health, safety and welfare.
- K. Conditions shall be based on specific and articulable facts reasonably related to insuring the public health, safety and welfare, including, but not limited to, the protection of minors from alcohol and other criminal activity, the conservation of limited City public safety resources and the prevention of public nuisance activity that detracts from the peace and quiet of residential neighborhoods.
- L. Conditions shall be listed on, or attached to, the permit.
- M. The City Council shall give the permittee an opportunity to review any proposed conditions and the City Council shall consider the input of the permittee prior to imposing those conditions.
- N. Conditions may not be imposed that conflict with any local, state or federal law, or that conflict with the permittee's ABC license. Nothing in this Subsection is intended to prevent the City Council from imposing any condition related to the age of patrons inside an ABC establishment if the ABC license does not address that issue. The intent of this Subsection is to allow the sale and service of food to minors in a bona fide public eating place (ABC license types 41, 47 and various club licensed premises) with reasonable conditions placed on the permit to prevent curfew violations and protect the minors from alcohol and other criminal activity.
- O. The City Council may require the applicant to demonstrate compliance with applicable existing special permits prior to issuance of the permit or may issue the permit conditioned upon the applicant obtaining any other additional necessary special permit or other city, county or state approval.
- P. No condition may be imposed pursuant to this Chapter that suppresses or regulates expression in any manner contrary to law.

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- Q. Imposition of any particular condition is appealable through the procedures set forth in Section 5.06 of the Long Beach Municipal Code.
- R. Notwithstanding City Council approval of the application for the permit, the applicant shall not operate until a permit is actually issued by the Director of Financial Management. Upon approval of the application, the Director of Financial Management shall issue the permit, provided that the applicant has met all conditions imposed by any City department, has complied with all applicable laws, and has paid the applicable license tax and permit fees. The applicant shall have a maximum one hundred eighty (180) days after City Council approval to meet all applicable conditions. Failure to do so within that period shall render the City Council approval void, unless an extension of the compliance period is granted by the City Council before the compliance period has expired.

([ORD-12-0021](#) (Emerg.), § 1, 2012; [ORD-12-0018](#) (Emerg.), § 1, 2012; Ord. C-7747 § 1, 2001; Ord. C-7434 § 1, 1996; Ord. C-7423 § 26, 1996)

**5.72.120.5 Duration of Permit.**

A permit issued pursuant to this Chapter shall be valid for an indefinite duration, subject to administrative review by Financial Management every two (2) years. If grounds exist for modification, revocation or suspension of the permit, a hearing shall be held for that purpose. This provision does not affect the City's ability to modify, revoke or suspend a permit at any time pursuant to Section 5.72.145 of the Long Beach Municipal Code.

([ORD-12-0021](#) (Emerg.), § 2, 2012; [ORD-12-0018](#) (Emerg.), § 6, 2012)

**5.72.120.6 Permits issued prior to the effective date of ordinance.**

A permit issued prior to the effective date of the Ordinance codified in this Section shall be valid until the expiration date specified in the permit. Thereafter, permittees shall be subject to the provisions of this Chapter. Nothing in this Subsection shall interfere with the City's ability to modify, revoke or suspend a permit at any time pursuant to Section 5.72.145 of the Long Beach Municipal Code.

([ORD-12-0021](#) (Emerg.), § 3, 2012; [ORD-12-0018](#) (Emerg.), § 7, 2012)

**5.72.121 Permit application filing and process for adult entertainment.**

- A. Any business or establishment desiring a permit required by this Chapter to provide adult entertainment as described in Subsection 5.72.115.B, shall complete and file the application form supplied by the City and shall accompany the form with the fee established by resolution of the City Council, which fee shall be no more than necessary to cover the costs of processing and investigating the application.
- B. Application requirements. The application form shall require and the applicant shall provide information which includes the following:
  - 1. The business owner's name, residence street address and mailing address, if different, and any and all aliases;
  - 2. The name under which the entertainment business is to operate;
  - 3. The telephone number of the entertainment business and the address and legal description of the parcel of land on which the entertainment business is to be located;

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4. The date on which the owner acquired the enterprise for which the permit is sought and the date on which the enterprise began or will begin operations at the location for which the permit is sought;
  5. A statement whether the owner previously operated in this or any other county, city or state under an entertainment establishment license/permit or similar business license, and whether the applicant has ever had such a license revoked or suspended and the reasons therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;
  6. If the owner is a corporation, all of the aforementioned information shall be provided for each officer and director of the corporation as well as for any person, or other entity holding over fifty percent (50%) of the shares of the corporation;
  7. If the owner is a partnership, the aforementioned information shall be provided for each general partner;
  8. A statement under penalty of perjury that the owner has personal knowledge of the information contained in the application and that the information contained is true and correct, and that the application has been completed under the owner's supervision;
  9. An initialized list of the operational requirements of a business providing entertainment and a signed, sworn statement that the owner has read, understands and intends to comply with the aforementioned operational requirements;
  10. A description of all entertainment business activities proposed to occur on the site of the entertainment business and the anticipated occupancy of the entertainment business;
  11. A site plan describing the building and/or unit proposed for the entertainment facility and a fully dimensioned interior floor plan;
  12. If the premises are being rented or leased or are being purchased under contract, a copy of such lease or contract.
- C. Within seven (7) days of receipt of an application the Director of Financial Management or designee shall determine whether the application contains all the information required by the provisions of this Chapter. If it is determined that the application is not complete, the applicant shall be notified in writing within ten (10) business days of receipt of the application that the application is not complete and the reasons therefor, including any additional information necessary to render the application complete. The applicant shall have thirty (30) calendar days to submit additional information to render the application complete. Failure to do so within the thirty (30) day period shall render the application null and void. Within five (5) business days following the receipt of an amended application or supplemental information, the Director of Financial Management or designee shall again determine whether the application is complete in accordance with the procedures set forth above. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. Once the application is found to be complete, the applicant shall be notified within five (5) business days of that fact. All notices required by this Section shall be deemed given upon the date they are either deposited in the United States Mail or the date upon which personal service of such notice is provided.
- D. Issuance of permit—Investigation.
1. Determination to issue permit. Upon receipt of a completed application for the permit, the Director of Financial Management or designee shall conduct an investigation to determine if the proposed business is in compliance with the provisions of this Chapter. Within thirty (30) calendar days of a completed application having been filed, the Director of Financial Management or designee shall approve and issue the permit if all the requirements of this Section have been met. If the Director of Financial Management or designee determines that the application does not satisfy the requirements of this Chapter, he/she shall deny the application. On the day the decision is

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made, the applicant shall immediately be served with written notice of the decision either personally or by deposit in the United States Mail, first-class postage prepaid, at the address shown on the application. Service shall be deemed complete upon personal service or deposit of the written notice in the United States Mail. A temporary license will automatically be issued in the event the City does not approve or deny the permit within the time period established by this Section.

2. Standards for approval of permit. The Director of Financial Management or designee shall approve and issue an entertainment permit if the application and evidence submitted demonstrates that:
  - a. The place of entertainment is not located within three hundred feet (300') from any residential zoning district or residential planned development district within the City; or within one thousand feet (1,000') of any public or private school (kindergarten through twelfth grade) located within the City; or within six hundred feet (600') of a City park; or within five hundred feet (500') of a church (as defined in Section 21.15.510 of the Long Beach Municipal Code); or within one thousand feet (1,000') of any other adult entertainment business; or within the areas set forth in Subsection 21.45.110.F of the Long Beach Municipal Code. All measurements set forth above shall be made in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the adult entertainment business to the nearest point on the property line of the residential zone, school, church, park or other adult entertainment business, as applicable.
  - b. No owner, operator or manager shall permit any entertainer or employee on the premises of the adult entertainment business to engage in a showing of the human male or female genitals, pubic hair, anus, cleft of the buttocks, or vulva with less than a fully opaque covering and/or covered male genitals in a turgid state. This provision may not be complied with by applying an opaque covering simulating the appearance of the specific anatomical part required to be covered.
  - c. No owner, operator or manager shall permit any person to perform for patrons any entertainment except upon a stage at least eighteen inches (18") above the level of the floor which is separated by a distance of at least six feet (6') from the nearest area occupied by patrons, and no patron shall be permitted within six feet (6') of the stage while the stage is occupied by an entertainer.
  - d. No owner, operator or manager shall permit any person under the age of eighteen (18) years within the premises at any time during the hours of operation.
  - e. All indoor areas of the place of entertainment in which patrons are permitted, except restrooms, will be open to plain view, unaided by mirrors, electronic monitoring devices or other devices at all times from all public portions of the establishment.
  - f. At least one (1) permitted, authorized security guard shall be on duty within the premises at all times while the adult entertainment business is open for business. The security guard shall be charged with preventing violations of the law and enforcing compliance by patrons with the requirements of this Chapter. No security guard required pursuant to this Subsection shall act as a door person, ticket seller, ticket taker or attendance person while acting as a security guard.
  - g. The premises within which the entertainment is located shall provide sufficient sound absorbing insulation so that noise generated inside the premises shall not be audible anywhere on the adjacent property or public rights-of-way or within any other building or other separate unit within the same building.
  - h. The place of entertainment shall have a manager on-premises at all times while the establishment is open to the public.

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- i. If the place of entertainment is licensed to serve alcoholic beverages, the permittee shall abide by the rules and regulations set forth by the California Department of Alcoholic Beverage Control.
- j. The stage or entertainment areas shall not be open to view from outside the premises.
- k. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance/exit to the business.
- l. No exterior door or window shall be propped or kept open at any time during the hours of operation.
- m. Any exterior windows shall be covered with opaque covering.
- n. All areas of the place of entertainment accessible to patrons shall be illuminated at least to the extent of two (2) foot-candles, minimally maintained and evenly distributed at ground level.
- o. The place of entertainment shall have a door person on the premises at all times the establishment is open to the public who shall check photo identification of all persons entering the premises to ensure that no person under the age of eighteen (18) is permitted on the premises.
- p. The place of entertainment shall provide video camera surveillance of public areas, including but not limited to the front and rear of the business with full view of the public rights-of-way and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persons and areas within the exterior of the premises. Recordings shall be accessible via the Internet by the Long Beach Police Department.
- q. The adult entertainment business shall not operate between the hours of two o'clock (2:00) a.m. and nine o'clock (9:00) a.m.

([ORD-12-0018](#) (Emerg.), § 2, 2012; Ord. C-7747 § 2, 2001)

**5.72.125 Temporary permit.**

- A. The Director of Financial Management shall issue a temporary entertainment permit for no more than ninety (90) days to a new business or an existing business with new ownership where the previous owner had a valid entertainment permit, not involving adult entertainment as defined in Title 21 of the Long Beach Municipal Code, if he or she finds:
  - 1. The applicant is an individual or lawfully created business entity having a valid ownership interest in the business;
  - 2. No suspensions, denials or revocations of an entertainment permit have occurred at the location in the past twelve (12) months before the application date;
  - 3. The applicant has also applied for a regular entertainment permit for the same location;
  - 4. The owner of the property on which the entertainment is to be conducted has consented in writing to the application for the temporary permit.
- B. A temporary permit shall automatically expire ninety (90) days from date of issuance or when an application for a regular entertainment permit is approved or denied by the City Council, whichever occurs first. Where circumstances justifiably delay the hearing before the City Council on the regular entertainment permit, the City shall grant one thirty (30) day extension of the temporary permit until the regular entertainment permit is heard by the City Council. A temporary permit may be revoked or suspended pursuant to Chapter 5.06 of the Long Beach Municipal Code.



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- C. At the time a temporary permit is issued, the applicant shall agree to comply with all temporary operating conditions imposed. The applicant shall also agree to hold the City harmless for liability/damages arising from any contractual agreements or investments made by the applicant which may assume the eventual issuance of an unrestricted permit.
- D. The applicant shall at all times during operation under the temporary permit comply with the following conditions. In issuing the permit, the Director of Financial Management may impose conditions relating to the operation of the entertainment establishment. Conditions may relate to:
1. The days, hours and location of operation;
  2. Restrictions designed to prevent minors from obtaining alcohol, such as separate entrances, exits, and restroom facilities on the premises;
  3. The number and age of persons allowed on premises;
  4. Whether licensed security guards are required, and if so, how many;
  5. Specific measures the permittee must undertake to control the conduct of patrons so as to prevent or minimize disorderly conduct within the establishment;
  6. Specific measures the permittee must undertake to remove trash attributable to the establishment or its patrons in and around the establishment, the surrounding neighborhood and the public right of way;
  7. Specific measures the permittee must undertake to prevent the entertainment and its patrons from disturbing the peace and quiet of the surrounding neighborhood;
  8. Specific measures the permittee must undertake to provide video camera surveillance of public areas, including but not limited to the front and rear of the business with full view of the public rights-of-way and any parking lot under the control of the permittee. The video system must be capable of delineating on playback the activity and physical features of persons and areas within the premises. Recordings shall be accessible via the Internet by the Long Beach Police Department.
  9. Specific measures the permittee must undertake to prevent its patrons from engaging in disorderly conduct in the surrounding neighborhood;
  10. Whether the Director of Financial Management must receive advance notice of the date of a particular event if that event is not held as part of the regularly scheduled events of the business; or
  11. Other matters related to public health, safety and welfare.
- E. A nonrefundable fee, as set by City Council resolution, shall be paid to the City when the application for a temporary permit is filed.

([ORD-12-0018](#) (Emerg.), § 3, 2012; Ord. C-7423 § 26, 1996)

**5.72.126 Reserved.**

**Editor's note—**

[ORD-12-0018](#)(Emerg.), § 8, adopted Dec. 4, 2012, repealed § 5.72.126, entitled "Short-term permit", which derived from: Ord. C-7434 § 2, 1996; and Ord. C-7461 § 5, 1997.

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**5.72.130 Permits for occasional events.**

- A. Unless a permit has been approved and issued by the City Council or Director of Financial Management as outlined above, any entertainment activity as defined within this Chapter requires an occasional event permit, issued by the Director of Financial Management or his/her designee pursuant to the provisions of this Section.
- B. An occasional event permit shall not be issued for any premises or location more than twenty-four (24) times within any twelve (12) month period, and events for which occasional event permits are issued must be at least ten (10) days apart. This prohibition shall not apply to any parks and recreation or other City operated facility.
- C. Applications for occasional event permits will be accepted for consideration only if the following requirements have been met. Failure to meet any of these requirements will render the application incomplete/void. Incomplete or void applications will not be processed:
  - 1. The application shall be submitted no more than thirty (30) business days and no less than ten (10) business days prior to the event.
  - 2. The applicant shall pay the filing fee, as established by resolution of the City Council, at the time the application is filed with the City.
  - 3. All parties to the application must be at least eighteen (18) years of age.
  - 4. The application must be accompanied by lease/rental agreements, security contracts, and any other supporting documentation as required by the Director of Financial Management.
- D. An occasional event permit shall be issued by the Director of Financial Management only after he/she has determined the following:
  - 1. The peace and quiet of the neighborhood will not be disturbed.
  - 2. Adequate security, as determined by the Director of Financial Management, has been afforded.
    - a. Where professional security services have been required, a written contract must be obtained and submitted to the Director of Financial Management no less than five (5) days prior to the scheduled event.
    - b. The contract must contain such information as the Director of Financial Management may require, including, but not limited to:
      - (i) The event location;
      - (ii) The date and specific hours of the event;
      - (iii) The number of guards assigned; and
      - (iv) A statement that the guards will be uniformed or non-uniformed and armed or unarmed.
    - c. The security contract must be signed by the permit applicant and by a duly authorized representative of a private patrol operator, as licensed by the State of California Department of Consumer Affairs, who is in possession of a Long Beach City business license, issued pursuant to Chapter 3.80 of the Long Beach Municipal Code.
  - 3. That all prerequisite requirements of other agencies or departments have been met.
  - 4. In making a determination of whether or not to issue an occasional event permit, the Director of Financial Management may inspect the premises and site at which the event is to take place. The Director of Financial Management may also consider prior complaints, police service calls and other relevant information related to prior events on the premises.

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- E. An occasional event permit for a nonprofit fundraising event shall not be approved unless and until a charitable solicitation permit has been obtained pursuant to Chapter 5.28 of the Long Beach Municipal Code.
- F. Where a promoter has been engaged to market, advertise or conduct the event, said promoter must obtain a City business license prior to approval of the occasional event permit. If the event is a charitable event, then the promoter must also comply with all applicable requirements of Chapter 5.28 of the Long Beach Municipal Code.
- G. As a condition of occasional event permit issuance, the permittee agrees to reimburse the City:
  - 1. Whenever excessive police services, as determined by the Director of Financial Management, are required as the result of any incident or nuisance arising out of or in connection with the permitted event; and
  - 2. For costs associated with the removal of signs posted in connection with the event, whether or not the signs had been permitted by any City department, as outlined in Chapter 21.44 of the Long Beach Municipal Code.
- H. In no event shall the issuance of an occasional event permit by the Director of Financial Management be construed as permission to disturb the peace. Permits may be denied or revoked by the City if it is determined that the event sponsor or any agent, employee or associate of any such event organizer has willfully made any false or misleading statement in an application or has not fully complied with the requirements of this Chapter or has violated any of the provisions of this Chapter or the provisions of any other applicable law, rule or regulation.

([ORD-12-0018](#) (Emerg.), § 4, 2012; ORD-10-0016, § 1, 2010; Ord. C-7423 § 26, 1996)

**5.72.135 Permit nontransferable.**

- A. Any permit issued pursuant to this Chapter 5.72 shall not be transferred or assigned to another person for any purpose. Any change in ownership shall require a new permit. Regardless of any change in ownership, the permittee shall be required to notify the Director of Financial Management of any change in the business name.

The following shall be deemed a change of ownership:

  - 1. For general partnership personnel, the addition or substitution of a new partner;
  - 2. For a limited partnership, the addition or substitution of a new partner or the addition or substitution of a general partner not listed as a partner in the application for the permit previously approved;
  - 3. For a corporation, more than fifty percent (50%) of the shares of stock is transferred to or acquired by persons other than those designated in the application for the permit previously approved.
- B. Any permit issued pursuant to this Chapter 5.72 shall not be transferred to any other location for any purpose. Any change in location shall require a new permit. The following shall be deemed a change in location:
  - 1. Any relocation or expansion that includes a separate piece of property or parcel of land.
  - 2. Any expansion of the initially permitted premises which represents a greater than fifty percent (50%) increase in the square footage of space devoted to public access or occupancy.
- C. The lawful conduct of activity regulated by this Chapter by a permittee shall be limited to those activities expressly indicated on the permit application and approved by the City Council. Any change in entertainment activity which exceeds the parameters of the approved permit will require the approval

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of the City Council or, on a limited basis, the approval of an exclusive event permit, as provided within this Chapter 5.72.

- D. The holder of an entertainment permit shall not allow others to use or rent his/her permitted premises for dancing or other entertainment uses. This restriction shall not apply to a location which is additionally licensed for hall rental.

(Ord. C-7423 § 26, 1996)

**5.72.140 Conditions of operation.**

Any person operating under a permit issued pursuant to this Chapter shall, at all times, observe the following conditions of operations:

- A. Hours. No person shall carry on, maintain or conduct any business or activity regulated by this Chapter between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m.; except that this restriction shall not apply on New Year's Eve or to a graduation dance sponsored by a State-accredited school.
- B. Inspection. The premises where all businesses or activities are conducted pursuant to this Chapter, whether public or private, shall at all times when open be subject to inspection by the Director of Financial Management or his/her designee, all business license, health, building, and fire inspectors, and all police personnel in the pursuit of their official duties. No person shall hinder or obstruct such inspection. The purpose of the inspection is to determine whether the permitted premises is being operated in compliance with all requirements of applicable law. Delay or obstruction of such inspection may be grounds for suspension or revocation of any license or permit issued by the City.
- C. Adult entertainment. Any person operating any adult entertainment business (as that term is defined in Section 21.15.110) shall, at all times, observe the following conditions of operations:
1. No owner, operator or manager shall permit any entertainer or employee on the premises of the adult entertainment business to engage in a showing of the human male or female genitals, pubic hair, anus, cleft of the buttocks, or vulva with less than a fully opaque covering, and/or the female breasts with less than a fully opaque covering over any part of the nipple or areola and/or covered male genitals in a turgid state. This provision may not be complied with by applying an opaque covering simulating the appearance of the specific anatomical part required to be covered.
  2. No owner, operator or manager shall permit any entertainer or employee on the premises of the adult entertainment business to have intentional physical contact with any patron.
  3. No owner, operator or manager shall permit any person to perform for patrons any entertainment except upon a stage at least eighteen inches (18") above the level of the floor which is separated by a distance of at least six feet (6') from the nearest area occupied by patrons, and no patron shall be permitted within six feet (6') of the stage while the stage is occupied by an entertainer.
  4. No owner, operator or manager shall permit any person under the age of eighteen (18) years within the premises at any time during the hours of operation.
  5. All indoor areas of the place of entertainment in which patrons are permitted, except restrooms, will be open to plain view, unaided by mirrors, electronic monitoring devices or other devices at all times from all public portions of the establishment.
  6. At least one (1) permitted, authorized security guard shall be on duty within the premises at all times while the adult entertainment business is open for business. The security guard

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shall be charged with preventing violations of the law and enforcing compliance by patrons with the requirements of this Chapter. No security guard required pursuant to this subsection shall act as a door person, ticket seller, ticket taker or attendance person while acting as a security guard.

7. The premises within which the entertainment is located shall provide sufficient sound absorbing insulation so that noise generated inside the premises shall not be audible anywhere on the adjacent property or public rights-of-way or within any other building or other separate unit within the same building.
8. The place of entertainment shall have a manager on-premises at all times while the establishment is open to the public.
9. If the place of entertainment is licensed to serve alcoholic beverages, the permittee shall abide by the rules and regulations set forth by the California Department of Alcoholic Beverage Control.
10. The stage or entertainment areas shall not be open to view from outside the premises.
11. Permanent barriers shall be installed and maintained to screen the interior of the premises from public view for each door used as an entrance/exit to the business.
12. No exterior door or window shall be propped or kept open at any time during the hours of operation.
13. Any exterior windows shall be covered with opaque covering.
14. All areas of the place of entertainment accessible to patrons shall be illuminated at least to the extent of two (2) foot-candles, minimally maintained and evenly distributed at ground level.
15. The place of entertainment shall have a door person on the premises at all times the establishment is open to the public who shall check photo identification of all persons entering the premises to ensure that no person under the age of eighteen (18) is permitted on the premises.
16. The place of entertainment shall provide a security system that visually records and monitors all parking lot areas serving the place of entertainment.
17. The adult entertainment business shall not operate between the hours of two o'clock (2:00) a.m. and nine o'clock (9:00) a.m.

(Ord. C-7747 § 3, 2001; Ord. C-7713 § 2, 2000; Ord. C-7591 § 1, 1999; Ord. C-7423 § 26, 1996)

**5.72.145 Suspension, denial or revocation.**

- A. Noncompliance. Failure to comply with any of the provisions of this Chapter 5.72, including any conditions attached to the permit at the time of approval, will constitute grounds for suspension, denial, or revocation of the permit. The suspension or revocation of the permit shall be governed by the provisions of Chapter 5.06 of this Code.
- B. Cease activity. No person shall conduct any business or activity regulated by this Chapter during the pendency of a permit application, except as permitted by Section 5.72.125, or at any time after permit denial or revocation or during the time a permit therefor has been suspended, except as permitted by Subsection 5.72.145.C.
- C. In the event that an entertainment permit for an adult entertainment business is suspended, denied, or revoked, the applicant or permittee may file or cause to be filed a petition for writ of mandate in State court regarding the validity of the suspension, denial or revocation. In the event the applicant or

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permittee files such legal action within fifteen (15) days of the suspension, denial or revocation of the permit, the applicant or permittee shall be permitted to operate its business until a decision is issued by a trial court, notwithstanding provisions to the contrary contained in this Chapter. During such time period, the business must be operated in a manner not to create a public nuisance, and such operation must comply with all other State and City laws and regulations.

(Ord. C-7747 § 4, 2001: Ord. C-7591 § 2, 1999: Ord. C-7423 § 26, 1996)

**5.72.150 Permit reapplication.**

Whenever a permit has been revoked or an application for a permit has been denied, no other similar application shall be considered for a period of one (1) year from the date of such revocation or denial.

This applies to any person whose permit was revoked or whose application was denied who later becomes a director or officer of a corporation, profit or nonprofit, or a member of a partnership or a person owning or possessing fifty percent (50%) or more of the shares of a corporation which seeks to obtain a new permit. This shall also apply to a corporation, profit or nonprofit, whose permit was revoked or application denied, to any of its directors or officers or to any person who owned fifty percent (50%) or more of its shares, who attempts by way of a new corporation or by the use of their individual names or by becoming a member of a partnership or a director or officer or a person owning or possessing fifty percent (50%) or more of the shares in another corporation to obtain a new permit. Whenever any permit is suspended, the provisions of this Section shall apply to the permittee during the period of suspension.

(Ord. C-7423 § 26, 1996)

**5.72.155 Initiative ordinance.**

The following initiative ordinance was approved by the qualified electors of this City at an election held on the sixteenth day of August, 1932 as required by Ordinance No. C-1148. The placing of this initiative ordinance in this Code shall not be construed as altering, amending, or repealing such ordinance. Any violation of the provisions of the initiative ordinance shall not be deemed a violation of any of the provisions of this Code, but shall be deemed a violation of the initiative ordinance and punishable as therein provided.

ORDINANCE NO. - An ordinance regulating public dance halls and public dances in the City of Long Beach, California, providing penalties for the violation of this ordinance and repealing Ordinance No. B-1118, and all other ordinances or parts of ordinances in conflict with this ordinance.

The people of the City of Long Beach ordain as follows:

SECTION 1 - "Public dance hall" as used herein is defined to be any room place or space, excepting a private residence or home, where dancing is held or carried on; and "public dance" as used herein is defined to be any dance not held or given in private home or residence.

SECTION 2 - No person, as principal, agent or otherwise, shall carry on, maintain or conduct, or assist in carrying on, maintaining or conducting a public dance hall or a public dance in the City of Long Beach at any time between the hours of 2:00 o'clock a.m. and 6:00 o'clock a.m., except on New Year's Eve, or without first having filed with the Chief of Police a written schedule showing the time of commencing and the time of closing of all regular dances or without filing with the Chief of Police a written notice showing the time of commencing and time of closing of every dance carried on other than regular dances, at least forty-eight (48) hours previous to the holding of such dance.

SECTION 3 - No person, as principal, agent or otherwise, carrying on, maintaining or conducting, or assisting in carrying on, maintaining or conducting, a public dance hall, or a public dance in the City of Long Beach, shall permit any person under the age of seventeen (17) years to be present in any public

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dance hall or to participate in any public dance, unless accompanied by the parent or legal guardian of such person; or to permit any person to indulge in boisterous conduct or use profanity, or otherwise conduct himself or herself in a vulgar or indecent manner in such a public dance hall or in any of the hallways leading thereto; no intoxicated person shall be present in any public dance hall or at any public dance.

SECTION 4 - Every person seeking admission to a public dance hall or to any public dance shall, upon the request of the manager, proprietor or door keeper, or managing agent of the proprietor of such public dance hall or public dance, register his/her true name, age and address in his/her own handwriting.

SECTION 5 - Every person, as principal, agent or otherwise violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment.

SECTION 6 - Ordinance No. B-1118, and all other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7 - The City Clerk shall certify to the passage of this ordinance by the People of the City of Long Beach.

(Ord. C-7461 § 6, 1997; Ord. C-7423 § 26, 1996)

**Note**—Prior ordinance history: Ord. C-6260.

**5.72.200 Downtown dining and entertainment district program area.**

The downtown dining and entertainment district shall be established as a program known as the downtown program. Business operators presently holding entertainment permits in good standing who agree in writing to comply with the requirements of the downtown dining and entertainment district program shall be issued downtown entertainment permits.

(ORD-08-0039 § 1, 2008: ORD-07-0064 § 1, 2007: ORD-07-0012 § 1, 2007: ORD-07-0001 § 1, 2007: ORD-06-0010 § 1 (part), 2006)

**5.72.210 Boundaries of the downtown program.**

The downtown program area consists of the area bounded by the north side of Ocean Boulevard, the south side of Third Street, the east side of Pacific and the west side of Long Beach Boulevard, and the areas known as the Pike at Rainbow Harbor and Shoreline Village, as shown on maps on file in the office of the City Clerk. Hotels within the boundaries are excluded from the requirements of the downtown program but continue to be subject to all other provisions of this Chapter and shall continue to operate under the conditions of their previously-issued entertainment permits.

(ORD-08-0039 § 1, 2008: ORD-06-0010 § 1 (part), 2006)

**5.72.220 Standard conditions.**

The City Council shall adopt standard conditions which shall become part of each downtown entertainment permit. These conditions shall be in addition to those set forth in Sections 5.72.110 through 5.72.150 of this Chapter, in any conditional use permit issued by the City, any other requirement of the

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Municipal Code, or any Department of Alcoholic Beverage Control license. In the event of a conflict between the requirements of the downtown program and the more general provisions of this Chapter, the requirements of the downtown program shall control within the program area. In the event of a conflict between a downtown entertainment permit and a license issued by the department of alcoholic beverage control, the more stringent regulation shall govern.

(ORD-08-0039 § 1, 2008: ORD-06-0010 § 1 (part), 2006)